

**Armijo, Rumaldo (USANM)**

---

**From:** Armijo, Rumaldo (USANM)  
**Sent:** Wednesday, January 03, 2018 11:02 AM  
**To:** Brawley, Kimberly (USANM)  
**Subject:** FW: Discovery request: Ramos-Burciaga, Dulce 17 CR 2236 WJ

Hi Kim, below is what defense attorney is asking for. Let's talk when you can. I'm talking with Jay at 1:00.  
Thank you.  
Rumaldo

---

**From:** Perry, Jarrell W. [mailto:Jarrell.W.Perry@usdoj.gov]  
**Sent:** Wednesday, January 03, 2018 9:12 AM  
**To:** Armijo, Rumaldo (USANM) <RArmijo@usa.doj.gov>  
**Subject:** Re: Discovery request: Ramos-Burciaga, Dulce 17 CR 2236 WJ

Yes sir. I will call you after 1:00 pm to discuss.

Sent from my iPhone

On Jan 3, 2018, at 9:10 AM, Armijo, Rumaldo (USANM) <[Rumaldo.Armijo@usdoj.gov](mailto:Rumaldo.Armijo@usdoj.gov)> wrote:

Hi Jay, happy new year! Do you have time today to talk about this discovery request in a little more detail. The defense attorney wants to file a motion to compel. I want to determine if that is necessary. I will be free after 1:00 today.

Thank you.

Rumaldo

---

**From:** Armijo, Rumaldo (USANM)  
**Sent:** Tuesday, December 05, 2017 2:09 AM  
**To:** Perry, Jarrell W. (DEA) <[Jarrell.W.Perry@usdoj.gov](mailto:Jarrell.W.Perry@usdoj.gov)>  
**Subject:** Fwd: Discovery request: Ramos-Burciaga, Dulce 17 CR 2236 WJ

Hi Jay, I will call you tomorrow.

Thank you

Rumaldo

Sent from my iPhone

Begin forwarded message:

**From:** "Gibbons, Cynthia (USANM)" <[CGibbons@usa.doj.gov](mailto:CGibbons@usa.doj.gov)>  
**Date:** December 4, 2017 at 3:46:30 PM MST  
**To:** "Perry, Jarrell W. (DEA)" <[Jarrell.W.Perry@usdoj.gov](mailto:Jarrell.W.Perry@usdoj.gov)>  
**Cc:** "Armijo, Rumaldo (USANM)" <[RArmijo@usa.doj.gov](mailto:RArmijo@usa.doj.gov)>  
**Subject:** FW: Discovery request: Ramos-Burciaga, Dulce 17 CR 2236 WJ

Jay,

GOVERNMENT  
EXHIBIT

Rumaldo asked that I forward this to you for your review and response.

Thank you,  
Cynthia

*Cynthia M Gibbons*

Legal Assistant to Rumaldo Armijo, Edward Han and Niki Tapia-Brito  
US Attorney's Office, Dist. Of NM  
201 3<sup>rd</sup> St. NW, Ste 900  
Albuquerque, New Mexico 87103  
Tel: (505) 346.7254 (direct)  
E-mail: [Cynthia.Gibbons@usdoj.gov](mailto:Cynthia.Gibbons@usdoj.gov)

---

**From:** Armijo, Rumaldo (USANM)  
**Sent:** Monday, December 4, 2017 3:30 PM  
**To:** Gibbons, Cynthia (USANM) <[CGibbons@usa.doj.gov](mailto:CGibbons@usa.doj.gov)>  
**Subject:** Fwd: Discovery request: Ramos-Burciaga, Dulce 17 CR 2236 WJ

Hi Cynthia, please forward this email to Jay Perry for his response.  
Thank you.  
Rumaldo

Sent from my iPhone

Begin forwarded message:

**From:** Alejandro Fernandez <[Alejandro\\_Fernandez@fd.org](mailto:Alejandro_Fernandez@fd.org)>  
**Date:** December 4, 2017 at 3:26:18 PM MST  
**To:** "Armijo, Rumaldo (USANM)"  
<[Rumaldo.Armijo@usdoj.gov](mailto:Rumaldo.Armijo@usdoj.gov)>  
**Subject:** Discovery request: Ramos-Burciaga, Dulce 17 CR 2236 WJ

Hello Rumaldo,

In reviewing the discovery materials that I have thus far, I noticed that there are things that I think would fall under Rule 16 (a)(1)(B) and (E)(i) that I have not requested yet.

Agent Perry characterizes his encounter, and his ultimate request to search Ms. Ramos-Burciaga's bags, as a consensual encounter. Rather than an unplanned encounter, however, Agent Perry appears to be paying special attention to Ms. Ramos-Burciaga from the time she steps off the bus (See paragraph 2, page 3, Agent Perry's report). His focus on her, and his ultimate insistence that she move items herself so that he "can see the bottom" of her purse (audio recording 4:25), points strongly towards an intentional targeting. Agent Perry even acknowledges that Ms. Ramos-Burciaga is not giving consent to search her purse, (audio recording 4:25; also, Agent Perry's report page 6, paragraph 10), but persists in asking her to move the items in her purse herself. It appears

1/3/18  
Consensual  
w/ say.

certain that Agent Perry conducted some investigation into Ms. Ramos-Burciaga, and possibly a search of Ms. Ramos-Burciaga's property, prior to initiating the encounter. His level of certainty is incongruous with what is revealed by the encounter that is recorded. I believe any prior search would be subject to 4th Amendment scrutiny, and could not be cured by alleged consent (not to mention non-consent) given some time afterwards.

To that end,

- 1) Please provide any and all material, and names of witnesses, that Agent Perry, or his partner, Agent Pantoja, relied upon, consulted, or otherwise considered in identifying Ms. Ramos-Burciaga as a target of investigation. *There is not any → He gets passport list he looks at the list looks at destination but he gets a list we are not releasing passport list → He had a passport list from a confidential source on that release it*
  - 2) Please also provide any and all information regarding any investigation, information sharing, research, or other data gathering involving Ms. Ramos-Burciaga that preceded the recorded encounter with Agent Perry. *notes over from the list no tips*
  - 3) Please provide any and all information regarding any inspection by the government, or at the behest of the government, of Ms. Ramos-Burciaga's luggage or personal effects, conducted prior to the recorded encounter with Ms. Ramos-Burciaga. *none*
  - 4) At minute 1:35 of the audio-recording, Agent Perry tells Ms. Ramos-Burciaga that he was in the station "speaking to all of the passengers." Please send me the recording of each of Agent Perry's other encounters that day. *→ no other recordings be he didn't talk to anyone else.*
  - 4) At minute 3:10 of the audio-recording an unidentified person begins speaking with Ms. Ramos-Burciaga. On the recording, Agent Perry identifies him as his partner. Later, in Agent Perry's report (page 5), the officer is identified as Agent Pantoja. Please provide the recording of Agent Pantoja's interaction with Ms. Ramos-Burciaga. In addition, please provide the recording of each of Agent Pantoja's other encounters that day. *Agent Pantoja's does not do encounter and does not record no one else but*
- Thank you for your attention to this matter. If for whatever reason you will not be providing all of the requested items, please let me know which items you do not intend to disclose. *Jay Records*

Best,

Alejandro

*"Jay says nothing to give him"*